IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6042 OF 2005

Subhash Baburao Inamdar ...Applicant
vs.
State of Maharashtra ...Respondent

Mr.Vikas Kolekar for the applicant
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : OCTOBER 10,2005

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for State. The offence registered against the Applicant is under Sections 8, 20, 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the said Act of 1985). The allegation against the applicant is that on 22nd July 2005 he was found in possession of about 160 gms. Ganja.

2. The learned Advocate for the Applicant submitted that the Applicant is in custody from 22nd July 2005 and when Section 37 of the said Act of 1985 is not applicable, the Applicant is entitled to be enlarged on bail. The learned A.P.P. accepted that the quantity of the Ganja found in possession of the Applicant is only 160 gms. On instructions of the Investigating Officer he pointed out that the Applicant has no criminal antecedents.

3. I have considered the submissions. As per the notification issued in exercise of power under Section 2 of the said Act of 1985, small quantity of Ganja is fixed at 1000 gms. and commercial quantity is 20 kgs. Thus, it is apparent that quantity of Ganja allegedly found in possession of the Applicant is not even 20% of the small quantity defined in the notification. There are no criminal antecedents of the Applicant. The Applicant is in custody since 22nd July 2005. Section 37 of the said Act of 1985 is obviously not applicable.

4. Hence I pass the following order :

i) The Applicant shall be enlarged on bail in connection with C.R.No.9/2005 registered with Chinchani Wangi Police Station,Sangli subject to furnishing a personal bond of Rs.15,000/- (Rupees Fifteen thousand only) with one or two local sureties in the like amount.

ii) The bail is granted subject to the condition that till conclusion of trial the Applicant will report to the concerned Investigating Officer once in a month.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall

not in any manner tamper with prosecution evidence.

iv) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE